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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 606th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 January 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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GE.00-40507 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Peru (CRC/C/65/Add.8; HRI/CORE/1/Add.43/Rev.1; written replies of the Government of Peru to questions raised in the list of issues (document without a symbol distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, the members of the delegation of Peru resumed their places at the Committee table.

2. Ms. CROSBY (Peru) said that many children who were delinquent or who had run away from home were entrusted to social workers responsible for reintegrating them into their families, where possible, or placing them in vetted foster families, if there was an atmosphere of violence in their own families that prevented them from returning. Abductions of children were reported to the national police. Peru's accession to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption was being studied by the Congress of the Republic with a view to adoption.

3. Peru did not encourage adolescent marriages and the national population plan for 1998-2002 aimed, inter alia, to reduce the number of unwanted pregnancies among adolescent girls in the context of an intersectoral campaign centred on prevention and the provision of information on young people's sexual and reproductive health rights. Following the failure of a previous national plan of action with the same objective, specific measures had been introduced jointly by several ministries. A National Coordinating Commission for Family Planning and Reproductive Health Policies had been created to focus on pregnancy prevention and information on sexual relations.

4. Peru had adopted a new act on the adoption of minors which was stricter than previous legislation in that regard. A child could only be adopted after a legal declaration of abandonment had been made. A preliminary investigation was conducted by a judge, assisted by specialists, to determine whether the child had, in fact, been abandoned and whether he could be adopted.

5. A special programme to combat discrimination against certain ethnic groups, especially indigenous populations, was being implemented with the help of the United Nations Children's Fund (UNICEF). An intersectoral committee had also been established to study ways of ensuring that the indigenous population enjoyed an acceptable standard of living.

6. Childcare institutions reported to the National Family Welfare Institute and registers facilitated the evaluation of professionals working in placement institutions.

7. Ms. MOKHUANE regretted that, in spite of the various initiatives taken by Peru, access to health care remained a problem. She inquired as to the causes of the extremely high rates of infant and maternal mortality and asked about the relations between medical staff and patients. She also wondered why the rural population did not take advantage of health services.

8. Admittedly, the Peruvian State provided benefits for disabled children, but there seemed to be a shortage of human resources, infrastructure and equipment. Did Peru intend to broaden the scope of the health system so that those who were excluded could benefit from it?

9. She expressed concern that the sterilization policy mainly targeted disadvantaged groups, who were sometimes ill-informed as to the lasting nature of the operation.

10. She welcomed the progress that had been made with regard to breastfeeding and asked whether there were institutions or mechanisms in place to monitor violations of the code on the marketing of breastmilk substitutes and whether measures or policies relating to the implementation of the code had been introduced.

11. Ms. RILANTONO expressed concern about the consistently high infant mortality rates, in rural areas especially, and wondered whether that situation could be explained by the centralized nature of the system and the ignorance of the population about the existence of certain services. She noted the havoc wrought by tetanus and wondered if the incidence of the disease could not be reduced if better hygiene were observed during the frequently practised home births. She asked for more detailed information on the conditions in which those births took place.

12. Considering the scale of malnutrition in the country, she inquired as to the causes and wondered whether Peru had a nutrition policy. Was there legislation which promoted breastfeeding and discouraged bottle feeding?

13. Mr. RABAH asked whether Peru had signed bilateral agreements with neighbouring countries regarding the abduction of children.

14. Mr. DOEK inquired as to the scale of the trend towards health care privatization.

15. In view of the considerable disparity between the objectives of article 27 of the Constitution, relating to education, and the actual situation, he wondered what measures were envisaged to improve teacher-training and the quality of textbooks, and to reduce the drop-out rate in schools.

16. As to child labour, he questioned the difference between the figures provided by Peru and those given by non-governmental organizations (NGOs) regarding child workers aged 6 to 11 years. Did Peru intend to raise the minimum working age to 14 and ratify ILO Convention No. 138 concerning minimum age for admission to employment (1973) which set the minimum working age at 15, or did it plan to submit a reservation to the Convention? What progress had been made with regard to Peru's accession to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)?

17. He inquired about the degree of implementation of the general plan for the elimination of landmines and asked whether there were any estimates of the number of landmine victims.

18. Lastly, was there a national or international plan of action to combat sexual exploitation in all its forms, especially sex tourism, and if so, did it contain prevention and treatment aspects, and who was responsible for its implementation?

19. Ms. SARDENBERG asked about the rationale behind the rule that boys should account for not less than a certain percentage of pupils in sex education classes. She would welcome information about Peru's efforts to make men more aware of their responsibilities.

20. Had a complaint procedure been set up to report violations of rights and ill-treatment in schools? She asked for further information on the social workers who worked with street children and wondered whether they ever took advantage of their position.

21. Ms. CROSBY (Peru) said that the State placed high priority on access to health care and the very significant contribution made by civil society and associations to promoting the right to health, especially with respect to vaccination and oral rehydration. The Ministry of Health sought to ensure that the entire population was supplied with basic drugs.

22. Studies had revealed some lack of human warmth in relations between medical staff and patients, especially in rural and remote areas. That was partly because of the fact that Peru was a multicultural society and that medical professionals were often ignorant of local beliefs and customs. With the help of UNICEF, however, traditional midwives had been called upon to help them to adapt to local customs, and the situation was improving.

23. The recently established National Council for the Disabled, comprising disabled persons and representatives of the Ministry for the Advancement of Women and Human Development (PROMUDEH), was entrusted with the task of examining all the obstacles to the integration of disabled persons into normal life. A vast amount of effort had already been expended in that regard, in particular to sensitize communities with a view to changing their mentalities, and to induce teachers to accept disabled children in their classes.

24. There was no sterilization policy which targeted poor people. However, a national population plan for 1998-2002 did exist to improve the quality of life of all Peruvians, which placed special emphasis on providing information on reproductive health rights and family planning methods. Once the Government had heard rumours about forced sterilization, an investigation into the matter had been launched immediately, with the assistance of the People's Ombudsman and representatives of the Catholic Church. As a result, the officials found guilty of such acts had been taken off the programme. The programme was intended to provide full information, including on natural contraception methods, and did not, in any way, seek to influence the decisions of the population groups concerned.

25. As to breastfeeding, the practice of allowing breastfeeding mothers breaks during the working day had been re-established and various awareness-raising activities, including a promotional week and a television campaign, had yielded positive results.

26. There were, indeed, disparities with respect to infant mortality rates. Certain steps had been taken to decentralize the health and education services to the municipal level in order to reach disadvantaged populations directly. Furthermore, efforts were being made to fine-tune the

"poverty map" drawn up in 1996 to highlight the differences within particular districts so as to render the activities undertaken more effective. Programmes for building homes and crèches were also being carried out. In addition, priority had been placed on children's health, education and nutrition; in that connection, the multisectoral action plan for 1998-2000 aimed to reduce by, at least, 18 per cent the incidence of chronic malnutrition among children under 5. Furthermore, the Government had set itself the task of improving water purification and distribution systems.

27. There were no specific bilateral agreements on the abduction of children, but relevant legal cooperation agreements had been signed. With respect to international agreements, Peru was a signatory of the Inter-American Convention on Domicile of Natural Persons in Private International Law and the Hague Convention on Intercountry Adoption and was planning to conclude bilateral agreements with countries which were not parties to the latter Convention. Additionally, steps had been taken, in cooperation with a private body, to establish an international system for tracing children who had disappeared or who had been kidnapped. To that end, an international database would be set up and updated on the basis of identification sheets on the children, with the help of the police.

28. As to statistics on child labour, the 1993 census had revealed that more than 1.5 million children and adolescents were at work, while the ILO mentioned a figure of 2 million. Steps had been taken to ensure that more accurate information was collected in the 2000 census. ILO Convention No. 138 was being considered by the Congress of the Republic, after being approved by the Government; Convention No. 182 was still being studied by the relevant bodies.

29. With respect to the privatization of the health services, the Social Security Institute remained a public body although its functions had changed; it was now devoted exclusively to health services and no longer dealt with retirement pensions. Free school health insurance for children aged 3 to 17, valid for the entire year, including school holidays, and also covering death-related expenses was offered to encourage school attendance. Furthermore, since its introduction in 1997, it had meant a saving of $100 million to families.

30. The Constitution guaranteed the right to education and stipulated that primary and secondary education was compulsory. However, its provisions were not always applied. Efforts were, therefore, being made to improve the quality of instruction, especially by modernizing school programmes and improving teacher-training. Long-term campaigns had been organized to encourage parents to send their children to school, and to start children's schooling at the age of 5 so as to facilitate entry into primary school. Courses on children's rights, including the right to reproductive health, were now included in school curricula, and all schools were duty-bound to comply. Generally speaking, much progress had been made since 1998, although there was still a lot left to be done in areas where the country was lagging far behind.

31. Peru, which had never laid mines in its entire history, was conducting demining activities, especially at its borders, in cooperation with countries it had had differences with in the past. The road-building programme, which had been interrupted to facilitate the demining process, had been resumed.

32. The problem of sexual exploitation of children had long been tackled from the standpoint of rapes, ill-treatment and other acts of violence and abuse against children. Prevention

campaigns had been carried out in that regard. The authorities had noted with concern that child prostitution was on the increase; however, the situation was being assessed so as to eliminate the root causes and the Government had drafted directives to assist municipalities in implementing specific measures.

33. The Ministry of Health's youth programme was a new initiative. Against the background of a strongly sexist society, it sought to promote, from childhood, an awareness of the equality of the rights of men and women, and the need to share responsibilities. As to young people's participation in decision-making at school, a new act promoting that practice was to be adopted. In addition, children could report teachers who did not respect their rights, and a hotline had been set up to that end.

34. The training programme for street workers had been executed in cooperation with the International Labour Organization (ILO) and UNICEF. It sought, first of all, to gain the confidence of the children, some of whom had been on the streets for a long time and were on drugs. The children were then placed in families or homes and their aptitudes evaluated in order to offer them appropriate training and to help them to become independent.

35. Ms. MOKHUANE requested information on drug, alcohol and tobacco consumption by boys and girls and the measures taken in that regard. She asked whether studies had been conducted into the use of cervical caps and whether such devices were distributed free of charge.

36. Ms. RILANTONO questioned the justification for the policy of starting children's schooling from age 5 and wondered whether steps were being taken to educate parents, especially in regard to ways of stimulating their young children. Bearing in mind the high drop-out rates, were there vocational training schools for school drop-outs?

37. Mr. DOEK asked for clarification on the Government's position with respect to the age for military service, as the report was not very clear on that point, and what progress had been in the apparently difficult discussions on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

38. Turning to the information provided on abortion in paragraph 196 of the report (CRC/C/65/Add.8), he wondered what measures the Government intended to take to correct the situation.

39. On the juvenile justice system, he requested updated information on the backlog of cases in the courts and the status of the temporary judicial bodies that had been established to help to clear it. He wondered how court-appointed lawyers were remunerated and what was done to guarantee that they produced quality work.

40. As to the placement alternatives mentioned in paragraph 825 of the report, he would like to have further information on the nature and frequency of such measures. He would also like to know the number of children detained and the conditions in which they were held, in the light of reports that detention centres were overcrowded and that there was tension among detainees.

41. Ms. CROSBY (Peru) said that a Commission to Combat Drug Use, comprising representatives of several ministries, had designed a national programme for 1998-2002 centred on coca crop substitution, rehabilitation of drug addicts and drug prevention. The internationally assisted attempts to substitute illegal crops, which had been carried out over several years, had produced very good results; attention was now turned to prevention.

42. Efforts to combat AIDS formed part of the national population plan. It was necessary to devote attention to prevention since the number of infected persons had increased. Consequently, in maternity clinics, pregnant women who were HIV-positive were told not to breastfeed their babies, and campaigns promoting the use of condoms, which were distributed free of charge in health centres, had been launched. Furthermore, the Government had cooperated with non-governmental organizations (NGOs) to implement a programme on the sexual and reproductive health rights of adolescents.

43. Children could start nursery school from age 4 but day-care centres accepted children from 6 months to 3 years. Various programmes had been started throughout the country, especially in the rural areas, for children who were not enrolled in school. A pilot reform project had been started at the secondary school level and would soon be extended to all State schools. Under the programme, students were prepared over a two-year period to sit either a general or a specialized "bachillerato", depending on whether they wished to pursue their studies at a higher level or start working.

44. Military service was not compulsory in Peru. Young people enlisted or entered military service on a voluntary basis, from ages 17 and 18 respectively.

45. Mr. CHAVEZ (Peru) recalled that negotiations on the draft optional protocol to the Convention were still in progress and that an agreed final text was expected to be produced soon. Peru had two concerns in that regard. Firstly, a distinction needed to be made between enlistment and actual military service. The Peruvian armed forces, which recruited minors at the end of their studies at age 17, were tending more towards a professional army because it provided opportunities for upward social mobility without compulsory participation in actual fighting. In addition to their defensive role, the armed forces also played a social development role, in building roads, for example. Secondly, Peru would like an article to be inserted into the text which would make explicit reference to non-governmental forces, since more children participated in armed conflict on the side of non-governmental forces than governmental ones; greater vigilance would have to be accorded to that aspect in future.

46. Ms. CROSBY (Peru) said that abortion was illegal, a stance which had been reaffirmed at the International Conference on Population and Development held in Cairo. Furthermore, the Children's and Adolescents' Code clearly stated that children were entitled to the right to life from their very conception. Nevertheless, adolescent mothers were empowered by legislation to give their children up for adoption or to have them placed in foster homes.

47. Juvenile delinquents were offered free court-appointed counsel. They could also benefit from alternatives to detention, since imprisonment was a measure of last resort. Parliament was in fact considering a bill on the imposition of community service sentences, and a non-custodial supervision scheme had just been approved, under which, as from 2000, juveniles in

rehabilitation centres would be released for several hours per day to attend school, thereby also facilitating reintegration. A very efficient counselling service had been set up so that juvenile delinquents could be monitored by former gang leaders with a similar background to their own, who would, therefore, be in a good position to counsel them. Rehabilitation centres were staffed with doctors, psychologists and lawyers, and worked in tandem with the national network of adolescent guidance services which provided young people with assistance for psychological and social rehabilitation. Conditions in detention centres had improved considerably, as demonstrated by the fact that no revolt had been recorded over the past five years. Juvenile delinquent girls were obviously detained in separate centres from boys.

48. Ms. RILANTONO, remarking on the impressive number of radio and television stations operating in Peru, asked whether there were any child protection measures other than the obligation for television stations not to broadcast adult programmes before 10 p.m. She pointed out that the Internet could be a vehicle for transmitting shocking pictures and asked what percentage of adolescents had access to multimedia and what measures had been taken to protect them. She welcomed the Government's decision to promote reading and asked whether there were school libraries, even in remote and disadvantaged areas, and whether mobile libraries existed.

49. Ms. MOKHUANE inquired whether children had to pay for extracurricular sporting activities and whether those programmes were available in rural and depressed areas to allow disadvantaged children access to leisure activities.

50. The CHAIRPERSON praised the programme which involved former gang leaders in the reintegration of juvenile delinquents and asked how they were recruited.

51. Ms. CROSBY (Peru) said that the main sports promotion body was the Peruvian Sports Institute, which came under the Ministry of Education. However, the municipalities also played an important role in facilitating children's free access to recreation. They were responsible for providing infrastructure such as stadiums and sports centres for the public. Some municipalities, along with private sports clubs, offered integration programmes for children in socially difficult situations. One of the largest football clubs in the country, supported by UNICEF, offered social assistance programmes.

52. The assistance programme for delinquents using former gang leaders was coordinated by over 50 organizations, including NGOs, and, after two years of implementation, the results were promising. At the outset, 130 former gang leaders had been invited to assist and, subsequently, they themselves had suggested that some of their friends and relatives participate in the initiative. The network now comprised around 5,000 former gang leaders.

53. Ms. SARDENBERG inquired as to how the Government ensured the social rehabilitation and psychological follow-up of children and adolescents who had been displaced as a result of armed conflict. She wondered whether gangs operated only in towns or if they also existed in rural areas, and what priorities had been defined to implement the Convention in the future.

54. Ms. CROSBY (Peru) said there were large numbers of local radio and television stations which broadcast information on local population action plans and which promoted moral values, with a view to eradicating violence in the country. As to education, a distance-teaching programme serving the remotest regions had been started and efforts were being made to equip rural schools with computers. There were mobile libraries, and students in every school had access to an acceptable minimum number of books.

55. Children and adolescents who had been displaced by the armed conflict benefited from an assistance programme for returnees which had been stepped up to cater to orphans. The authorities had been trying to prevent the spread of gangs to rural areas as it was still a predominantly urban phenomenon. Lastly, priority would be given to reducing the various disparities that existed between Peruvian children in order to guarantee human development to the entire population.

The meeting was suspended at 5.25 p.m. and resumed at 5.30 p.m.

56. Mr. DOEK said he was pleased that the Committee now had a reliable and fairly complete picture of the situation in Peru, thanks to the information supplied in the second periodic report, and the written and oral replies provided by the delegation. He noted that due account had been taken of the recommendations formulated by the Committee after consideration of the initial report of Peru, which was most commendable.

57. The Government should make it a priority to reduce the disparities between rural and urban areas with respect to development, and to establish a well-coordinated system for implementing the Convention, bearing in mind the strong decentralization process under way in the country. Health-care access should be guaranteed to all, in spite of the cultural problems encountered in the rural areas. Special attention should also be paid to education, especially with regard to access to education and the quality of education offered. The Committee strongly encouraged the Government to intensify its actions to combat violence, especially street violence. Much remained to be done with respect to protecting children against economic and sexual exploitation. He welcomed Peru's firm resolution to give full effect to the Convention and encouraged the Government to continue cooperating with the World Health Organization (WHO), UNICEF and the ILO and to avail itself, as often as necessary, of technical assistance.

58. Ms. MOKHUANE said she was pleased with the measures taken by the State party to adapt its domestic legislation to the Convention, notably the implementation process of the Children's and Adolescents' Code. However, she was concerned about the limited role accorded to children within the family, the continued recourse to corporal punishment and the maintenance of the death penalty. She invited the Peruvian authorities to continue the education reform process, in order to reduce school drop-out rates, especially among girls, and to improve the quality of mental health institutions.

59. Ms. CROSBY (Peru) said that her delegation was most grateful to the Committee for its careful study of the second periodic report of Peru and its interest in discussion.

60. Mr. VOTO-BERNALES (Peru) reaffirmed his Government's determination to repair the country's torn economic and social fabric and to reintegrate child victims of violence and terrorism into normal life.

61. The CHAIRPERSON welcomed the quality of the discussion between the delegation and the Committee and invited the Peruvian authorities to disseminate to as wide a cross-section of the population as possible the second periodic report as well as the initial report, if that had not yet been done.

The meeting rose at 6 p.m.